

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

**Vote No. 339**

October 21, 1999, 6:08 p.m.  
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## PARTIAL-BIRTH ABORTION BAN/Federal Support for Special Needs Children

**SUBJECT: Partial-Birth Abortion Ban Act of 1999 . . . S. 1692. Landrieu modified amendment No. 2323.**

(See other side)

YEAS (46)			NAYS (51)			NOT VOTING (3)	
Republicans (12 or 23%)	Democrats (34 or 76%)		Republicans (40 or 77%)	Democrats (11 or 24%)		Republicans (3)	Democrats (0)
Abraham	Akaka	Kohl	Allard	Grassley	Bayh	Chafee- <sup>2</sup>	
DeWine	Baucus	Landrieu	Ashcroft	Hagel	Bingaman	Gregg- <sup>2</sup>	
Hatch	Biden	Lautenberg	Bennett	Helms	Byrd	Mack- <sup>2</sup>	
Hutchison	Boxer	Leahy	Bond	Hutchinson	Edwards		
Jeffords	Breaux	Levin	Brownback	Inhofe	Graham		
Lugar	Bryan	Lieberman	Bunning	Kyl	Inouye		
Murkowski	Cleland	Lincoln	Burns	Lott	Johnson		
Santorum	Conrad	Mikulski	Campbell	McCain	Kerrey		
Smith, Gordon	Daschle	Moynihan	Cochran	McConnell	Kerry		
Snowe	Dodd	Murray	Collins	Nickles	Robb		
Specter	Dorgan	Reed	Coverdell	Roberts	Rockefeller		
Voinovich	Durbin	Reid	Craig	Roth			
	Feingold	Sarbanes	Crapo	Sessions			
	Feinstein	Schumer	Domenici	Shelby			
	Harkin	Torricelli	Enzi	Smith, Bob (I)			
	Hollings	Wellstone	Fitzgerald	Stevens			
	Kennedy	Wyden	Frist	Thomas			
			Gorton	Thompson			
			Gramm	Thurmond			
			Grams	Warner			

### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

## Argument 2:

We thank our colleague for offering this amendment, because it affirms that the value of a human life is intrinsic and infinite, rather than based on any utility or "quality-of-life" measurement. So much of this debate has been conducted as an appeal to the darker side of human nature. Implicitly, we have been asked to say that unborn babies with mental and physical disabilities are less than human and that both we and they would be better off if they were dead. Further, by extension, we are being asked to say the same about people with disabilities who have already been born. Defenders of partial-birth abortion have largely based their arguments on anecdotal cases involving unborn babies with birth defects. No one denies any longer that in the vast majority of partial-birth abortions the babies are completely healthy, yet not one of our colleagues' anecdotes has involved a baby that has not had serious medical problems. The reason our colleagues have chosen to talk only about unborn babies with severe problems is at once clear and distressing. Everyone feels tremendous sympathy for such unborn children, and their parents are distraught and desperate to provide them help. Under those circumstances, many people falsely conclude that it is more humane to kill such children rather than to let them be born and lead "meaningless" lives. The people who most understand the fallacy of that argument are those who have been blessed with someone with severe disabilities for whom they provide care and love. Parents are often pressured to abort by doctors who have a strong incentive to present abortion as the "caring" choice--doctors face huge malpractice liabilities when babies are born with birth defects, but they are well protected legally when they perform abortions.

Christian McNaughton was born in 1993. Before he was born, a sonogram revealed he had hydrocephaly. Doctors recommended a partial-birth abortion. His parents refused, and a doctor told them that when he was born he would not be given needed medical care if his "quality of life" prospects did not justify it. After he was born, doctors found that he had suffered a stroke in utero and was missing the lower level quadrant of his brain. Still, they agreed to drain the fluid from his brain. Doctors said that he was blind and had no capacity for learning. He exceeded their expectations. He talked, walked, ran, sang, and enjoyed baseball and basketball. He attended preschool. His heroes were Cal Ripken, Jr., Batman, Spiderman, and the Backstreet Boys. He loved whales and dolphins. His favorite movie was "Angels in the Outfield." He especially loved his baby sister, who was two years younger than he. Tragically, two years ago, at age 4, he began to experience headaches. He slipped into a coma and died. Was his short life of sufficient "quality?" He never had a job; he never contributed a dime to society. Other children have briefer stays; some die shortly after birth, cradled by their parents. In every case, the child, born or not, is of infinite worth.

Prosperity is making people confront what it is to be human. In earlier times, people could believe that they had children to help on the farm or to take care of them in their old age. No such utility exists now; a child is a continual burden, both financially and in time, until finally grown, and is never expected to support his or her parents. People must confront that they have children to love them, and when they take the challenge to care for and love special-needs children against tremendous odds, and even when their children have all too brief lives, they are the richer for it. An appeal to accept abortion for special needs is an appeal to weakness, to call on us to fail. Parents who fight against the odds to save their children are not haunted by that decision, as are so many men and women who in despair choose abortion.

Three Supreme Justices, Souter, O'Connor, and Kennedy, made the following troubling statement in the abortion case *Planned Parenthood v. Casey*, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." This statement is a definition of license, not liberty. Eric Harris, one of the killers at Columbine High School, used simpler prose than our refined killers on the Court: "When I say something, it goes. I am the law." At Yale, Peter Singer, a professor of bioethics, recently said: "I do not think it is always wrong to kill an innocent human being. Simply killing an infant is never equivalent to killing a person." So now an infant is not a person; what is a Yale professor? Frederick Nietzsche and Adolf Hitler would be quite proud of our Yale professor, and Eric Harris, and the Supreme Court. They would be delighted to see the abandonment of that naive belief that all men are created equal, endowed by their Creator with certain unalienable rights.

Nazi propaganda produced films showing people with severe disabilities and kindly doctors explaining how humane it was to give them lethal injections rather than to allow them to go on being a burden to themselves and society. Before World War II ever started, the Nazis put to death the physically and mentally disabled, the mentally ill, and the aged infirm. The debate on this bill has created an impression of the acceptability of the Nazi view that life should be valued by its utility rather than having intrinsic, infinite worth. We strongly support this amendment to affirm that disabilities do not diminish the worth of any human life.

**Those opposing the amendment contended:**

The sentiment behind this amendment is admirable, and we understand that the language is non-binding, but we have no idea what it would cost. Our top priority is to protect the Social Security surplus from being spent. If we knew we could provide assistance without raiding Social Security, we would gladly support this amendment.